

REMARKS/ARGUMENTS

The non-final Office Action of December 21, 2010, has been reviewed and these remarks are responsive thereto. Claims 1, 17, 31, 52, 54, 56, 59, 63, 64, 67, and 70 have been amended, claims 65, 66, 68, 69, 71, and 72 have been canceled without prejudice or disclaimer, and new claims 73-78 have been added. No new matter has been introduced. Claims 1, 17, 31, 52-64, 67, 70, and 73-78 are pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Claim Renumbering, Rule § 1.126

Applicants thank the Examiner for noting the typographical error in claim 69 in the previous Amendment submitted September 27, 2010. Claim 69 has been canceled by the instant amendment, thus rendering this objection moot.

Rejections Under 35 U.S.C. § 112, 1st Paragraph

Claims 65, 66, 68, and 69 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Notwithstanding the merits of this rejection, in order to expedite allowance, claims 65, 66, 68, and 69 have been canceled by the instant amendment, thus rendering these rejections moot.

Rejections Under 35 U.S.C. § 101

Claims 31, 64, 71, and 72 stand rejected under 35 U.S.C. § 101, as allegedly being directed to non-statutory subject matter. Specifically, the Office Action alleges that the “computer-readable media” recited in the rejected claims encompasses non-statutory transitory propagating signals. *See* Office Action, p. 7. Notwithstanding the merits of this rejection, in order to expedite prosecution, Applicants have amended independent claim 31 to recite, “[a]t least one memory storing computer-executable instructions,” and thus claim 31 does not include transitory propagating signals. Dependent claim 64 has been correspondingly amended, and dependent claims 71 and 72 have been canceled. Therefore, Applicants respectfully request that the rejections under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 17, 31, 53, and 55-64 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,583,560 (Florin), in view of U.S. Patent No. 6,710,788 (Freach). Claims 52 and 54 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Florin, in view of Freach, and further in view of U.S. Patent No. 6,549,643 (Toklu). Claims 65, 66, 68, 69, 71, and 72 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Florin, in view of Freach, and further in view of U.S. Patent No. 6,597,358 (Miller). Claims 67 and 70 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Florin, in view of Freach, and further in view of U.S. Patent No. 5,883,640 (Hsieh). Applicants respectfully traverse these rejections for at least the following reasons.

The instant claims are directed to receiving / detecting a “reduced resolution video stream corresponding to [a] video programming channel,” and then binding / displaying the reduced resolution video stream “to a surface of [a] graphical representation of [a] polyhedron [in an electronic programming guide (EPG)].” None of the prior art of record, alone or in combination, teaches or suggests these features of the instant claims. For example, independent claims 1, 17, and 31 stand rejected over the alleged combination of Florin and Freach, but neither reference discloses receiving a reduced resolution video stream corresponding to a programming channel, or displaying the reduced resolution video stream on a surface of a polyhedron within an EPG.

Florin describes an interactive A/V transceiver 54 connected to a television set 58 that allows users to view program listings, for example, by category, favorites, or marked programs (FIGS. 22-32; cols. 15-20), and provides other functionality such as a program information function (FIGS. 7-10; cols. 13-15), a picture-in-picture function (FIGS. 33-34; cols. 20-21), and a pay-per-view interface (FIGS. 37-38; cols. 22-23). However, as discussed in greater detail below, Florin never discloses receiving / detecting reduced resolution video streams, or binding / displaying a reduced resolution video stream to a surface of a polyhedron in an EPG.

Freach describes a graphical user interface for a personal computer (PC) in which a polyhedron is displayed on the interface to allow users to quickly switch desktops on the PC (FIGS. 2, 3, 5a-6d; Abstract, col. 1 lines 54-67, col. 2 lines 10-58). However, Freach has no relation whatsoever to electronic programming guides (EPGs), and thus the alleged combination

of Florin and Freach is based on improper hindsight. Moreover, even though Freach displays a polyhedron in a PC interface, Freach does not teach or suggest reduced resolution video streams, or binding / displaying such reduced resolution video streams to the surfaces of the polyhedron in its PC interface.

Referring now to the specific limitations of the instant claims, amended claim 1 recites, “receiving a plurality of reduced resolution video streams corresponding to video programming channels” and “detecting a first reduced resolution video stream corresponding to a first selected video programming channel.” The Office alleges that Florin teaches reduced resolution video streams in an EPG at FIG. 33 and col. 20, lines 20-67. *See* Office Action, pp. 9-10. However, the video images shown in Florin, FIGS. 33-35, are not “reduced resolution video streams.” As described in the cited portions of Florin’s specification, reproduced below, the smaller windows in FIG. 33 are video frame samples generated at Florin’s A/V transceiver 54 by ‘grabbing’ one video frame out of every pre-determined (N) number of frames. In contrast, only the primary window 375 in FIGS. 33-35 is a “full motion display”:

multiple other programs simultaneously. In the presently preferred embodiment, the A/V connect module 66 samples (or “grabs”) a video frame from each of the 12 programs every pre-determined (N) number of frames. Accordingly, a user viewing the pix display 381 perceives each of the 12 small picture-in-picture windows as sequential representative images of every N frames per window. However, the picture-in-picture window 375 represents a full motion display of the currently selected program, provided that a

(Florin, Col. 20, lines 40-48)

The video frame sampling performed by Florin is not the same thing as a “reduced resolution video stream.” Moreover, Florin performs its own frame sampling at the A/V transceiver 54, and thus does not “receive” these frame samples from any other source. Thus, Florin does not teach or suggest, “receiving a plurality of reduced resolution video streams corresponding to video programming channels,” or “detecting a first reduced resolution video stream corresponding to a first selected video programming channel,” as recited in amended claim 1.

Additionally, FIGS. 33-35 of Florin are not an EPG, but instead represent Florin’s picture-in-picture (or pix) function. *See* col. 20, ll. 20-21. Displaying video frame samples

within a picture-in-picture function does not constitute displaying a reduced resolution video stream in an EPG. Therefore, Florin also does not disclose “displaying the first reduced resolution video stream ... in the EPG display,” as recited in amended claim 1.

As discussed above, Freach does not teach or suggest receiving, detecting, or displaying video programming of any kind. Freach also has no relation whatsoever to EPGs. Accordingly, neither Florin nor Freach, alone or in combination teaches or suggests “receiving a plurality of reduced resolution video streams corresponding to video programming channels,” “detecting a first reduced resolution video stream corresponding to a first selected video programming channel,” or “displaying the first reduced resolution video stream ... in the EPG display.” Thus, amended claim 1 is not obvious over the alleged combination of Florin and Freach for at least these reasons.

Additionally, amended claim 1 recites, “displaying a graphical representation of a polyhedron,” and “binding the first reduced resolution video stream to a surface of the graphical representation of the polyhedron.” The Office correctly acknowledges that Florin does not teach or suggest any graphical representations of polyhedrons. *See* Office Action, p. 11. Thus, the Office relies on Freach as allegedly teaching reduced images on sides of polyhedrons. *Id.* However, as described above, Freach is not related to EPGs and does not teach or suggest receiving video programming of any kind. Therefore, even though Freach may describe a graphical user interface with a polyhedron, Freach still does not teach or suggest, “binding the first reduced resolution video stream to a surface of the graphical representation of the polyhedron,” or “displaying the first reduced resolution video stream on the surface of the graphical representation of the polyhedron in the first of the individual image areas in the EPG display.” Thus, amended claim 1 is not obvious over Florin and Freach for at least this additional reason.

Further, Applicants note that there would be no reason for a person of ordinary skill in the art to combine Florin with Freach. As discussed above Freach describes a graphical user interface for a personal computer (PC) that allows users to quickly switch desktops on the computer. Freach has no relation the EPGs or video streams of programming channels. Accordingly, modification of Florin with the PC user interface of Freach would not have been obvious unless it was rendered obvious through hindsight reasoning based on the disclosure of

the instant application. In fact, the Office's entire asserted motivation for combining Florin with Freach is that "it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the system of Florin with Freach's invention in order to enable the viewer to conveniently follow/monitor/navigate through multiple programs at the same time." *See* Office Action, p. 11. This statement is not only conclusory, but merely restates advantages of the invention of the instant application and therefore constitutes impermissible hindsight reasoning.

For all of the above reasons, amended claim 1 is not obvious over the alleged combination of Florin and Freach. Independent claims 17 and 31 have been similarly amended and are not obvious over the cited references for the same reasons as claim 1. Further, none of the prior art of record cures the deficiencies of the Florin and Freach discussed above, and therefore independent claims 1, 17, and 31 are allowable over the prior art.

Dependent claims 52-64, 67, and 70 are allowable over the prior art of record for at least the same reasons as independent claims 1, 17, and 31, as well as based on the additional features recited therein. The addition of Toklu, Miller or Hsieh, alone or in combination, fails to cure the deficiencies of Florin and Freach with respect to claims 1, 17 and 31. Thus, Applicants request withdrawal of these rejections.

New Claims

Applicants have added new claims 73-78 to more fully claim the invention. Support for these new claims can be found throughout the originally filed specification, claims and figures. Claim 73 recites, "wherein binding the first reduced resolution video stream to the surface of the graphical representation of the polyhedron comprises using a 3D graphics pipeline." Claim 74 has been similarly amended. Neither Florin, nor Freach, nor any other prior art of record, teaches or suggests using a 3D graphics pipeline to perform binding a reduced resolution video stream to the surface of a polyhedron. Accordingly, claims 73 and 74 are allowable over the prior art of record for at least this additional reason.

Claims 75 and 76 each recite, "wherein receiving the plurality of reduced resolution video streams comprises receiving an enhanced preview channel from a head-end server." As discussed above, Freach does not communicate with a head-end server or receive reduced resolution video streams of any kind. Florin receives video streams from a service provider and

uses those streams to create video samples. However, even if Florin's video samples were "reduced resolution video streams," which they are not, Florin still would teach or suggest receiving reduced resolution video streams in "an enhanced preview channel." None of the other prior art of record cures these deficiencies of Florin and Freach. Accordingly, claims 75 and 76 are allowable over the prior art of record for at least this additional reason.

Claims 77 and 78 each recite wherein the detecting step comprises, "identifying a channel selected by a user," and "decoding the first reduced resolution video stream corresponding to the selected channel." Neither Florin, nor Freach, nor any other prior art of record, teaches or suggests these additional features. Accordingly, claims 77 and 78 are allowable over the prior art of record for at least these additional reasons.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 21st day of March, 2011

By: /Brian J. Brisnehan/
Brian Brisnehan, Registration No. 60,462
1100 13th St. N.W.
Washington, D.C. 20005-4051
Tel: (202) 824-3324
Fax: (202) 824-3001